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ABSTRACT

Although philosophers in the United States have advocated the concept of adversarity for the relationship between reporters and people in Congress, in actuality these two groups work together in symbiosis. This document reports on a study in which 190 reporters, members of Congress, and Congressional aides were interviewed regarding particular congressional hearings that involved media input. The interviews revealed that the work of these groups is sometimes inherently and unavoidably symbiotic; examples of various forms of this relationship are discussed. The major portion of the document is composed of a case study of the cooperative relationship between the Los Angeles Times and Congressman Fortney "Pete" Stark, which led to a series of hearings on the plight of United States citizens serving time in Mexican jails. This case study shows that a set of understandings must be shared by reporters and members of Congress in order for them to function in symbiosis and that, although the adversarity principle need not be abandoned, it could use some reexamination. (CC)

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SUSAN HEILMANN MILLER

Reporters and Congressmen: Living in Symbiosis

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WEBSTER defines "symbiosis" as "The intimate living together of two dissimilar organisms in a mutually beneficial relationship." It would be difficult to find a more accurate description of the bond between some Washington officials and reporters. This study looks at the symbiosis between and among certain reporters and people in Congress.

Reporting on the activities of public officials is one of the most emotionally charged, philosophically intense and controversial aspects of American journalism. Ever since our nation's founding it has been assumed that the news media occupy a special place in a democratic society. In *New York Times* vs. *Sullivan*, the United States Supreme Court affirmed "a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open, and that it may well include vehement, caustic and sometimes unpleasantly sharp attacks on government and public officials."

Out of our heritage of assumptions about the need for "robust debate" has grown the philosophy of adversarity. Former White House press secretary Jerald terHorst summarized it as follows:

> A truly free press does not have an obligation to support government policy; indeed, it has an obligation to refrain from support. Otherwise, it is only a propaganda arm of government. . . . The press need not be hostile, but it must remain an adversary—willing to test, investigate and challenge governmental decisions.[1]

Nevertheless, some researchers have found vast differences between what philosophers advocate and the relationships that exist in the real world.[2] Davison analyzed relationships between reporters and diplomats, and found adversarity simply irrelevant.[3] News coverage occasionally created problems, but these were relatively minor and rare. Diplomats indicated that they relied so heavily on the media for coverage, and on individual journalists for information and communication, that it would have been almost

impossible for them to function without the press. They saw reporters not as adversaries but as highly valued assets.

Diplomats were equally indispensable to journalists as an inside source of information and as guides to what was really going on behind the elaborate facade of "official" communication. Davison concluded that diplomats and reporters operated not in adversarity, but in a kind of symbiosis.

Davison's findings suggest some important considerations about the relationship between reporters and people in Congress. Like diplomats, members of Congress rely heavily on the news media for information. Like diplomats, they also rely on the news media in communicating with each other, with the executive branch and with the public.[4] Washington reporters, like diplomatic reporters, operate in a world where people say one thing and mean another and where information is sometimes hard to come by. Blanchard found that although Congressional correspondents professed an "interpreter" or "watchdog" role, they relied almost exclusively on members of Congress and their aides for the information for the stories they wrote, as well as for story ideas.[5]

Method

This study looks at the nature of the relationships between reporters and members of Congress or their aides, and at the coverage that resulted. It is based on interviews with 190 people—65 reporters, 25 members of Congress, 97 Congressional aides and 5 other knowledgeable observers—between August and December, 1975. They were questioned about particular congressional hearings that had appeared to involve media input at some stage. (Hearings were monitored in the *Congressional Index* and coverage was monitored in the *Bell and Howell Index* of the Washington *Post*, Los Angeles *Times*, Chicago *Tribune* and New Orleans *Times-Picayune*.) The subjects were also questioned about general operating procedures, methods of selecting topics and sources and about mutual understandings.

The reporters included 43 newspaper correspondents working for 13 newspapers or newspaper groups, as well as ten news service, four news magazine, three *Congressional Quarterly* and three network TV reporters. There were 13 generalists covering politics and action on the floor, 16 topic specialists covering

particular committees, agencies and departments, 13 investigative reporters, 7 investigative-specialist or investigative-generalist reporters and 3 editors; 42 were personal interviews and 19 were telephone interviews.

The 25 Congress members included 20 representatives and 5 senators—all chairmen of the committees that had held the hearings under investigation—and 24 were personal interviews. The aides included 14 personal and 83 committee aides; 40 were personal interviews, 57 were by phone. The Congress members and aides represented 76 committees (38 House, 33 Senate, 5 Joint).

Results

The interviews revealed that the work of Congressmen, aides and reporters is sometimes inherently, unavoidably symbiotic. Reporters assisted officials by the stories they wrote—whether they chose to or not. And reporters were largely dependent on officials and their staffs for the information on which those stories were based.

The media sometimes brought topics to the attention of a Congressional committee. If an investigation were already underway, news stories might provide new information or suggest the names of people who could be called to testify. News reporters sometimes increased the significance of the issue and made it easier for the chairman or the committee staff to get members to agree to the need for Congressional action. And coverage of hearings could increase the likelihood of reform or passage of legislation by feeding public demand for Congressional action.

It was determined that the media had been involved to some extent in the preparation or presentation of approximately 15 percent of the hearings held by Congressional committees during the first six months of 1975. They were most helpful in providing information that committee staff members could use to prepare hearings and in suggesting questions that committee members might ask; but they also alerted committees to topics, affected the significance of those topics and cultivated coverage of hearings by other media.

Including all of the hearings in which the media alerted committees to topics, provided information or affected the significance of topics, the media had functioned to move committees

closer to hearings on an average of twice a week. Roughly one-third of these cases involved people in Congress leaking information to reporters. Thus, every eleven days, on the average, some person in Congress succeeded in moving a committee towards hearings by leaking material to the media.[6]

Said one aide, "I speak to my boss through the newspaper. I'm saying, 'This is a big issue. You ought to spend some time on it.' " Said another, "Of course I try to get publicity for the Senator. That gives him an incentive to continue our investigation."[7]

However, these impacts did not necessarily involve personal contact between reporters and people in Congress. They were even resisted by some reporters who paled at the thought of doing anything to help officials enhance their images. Washington *Post* reporter Ron Kessler sounded the traditional journalistic credo: "A reporter should be in a position like a judge: have the appearance as well as the fact of being impartial." *Post* reporter Tom Wilkinson added, however, "We get used all the time. We try not to, but we can't help it." Wilkinson observed that it would be impossible to put out a newspaper if journalists were determined never to write anything that could be put to use by public officials to enhance their reputations.

The other side of the coin was that reporters had to get their information from someone, and, for reporters in Washington, a likely choice was people in Congress. Respondents said "The Hill" is unique because it not only has people with access to information about virtually every aspect of the federal government (due to Congress' responsibility for eversight of all federal government operations) but also because the vast majority of these people actively cultivate publicity.[8]

The employees of many federal offices were under orders not to talk to reporters, and officials tried to channel all inquiries through a central information office. In offices with tight information-control policies, such as the Pentagon, the FBI and the CIA, it meant that top officials could largely control what the department made public. There were leaks, of course, but these often came from officials themselves who were trying to assess the impact of a potential position or program.

In contrast, there was no "official spokesman" for Congress. There were 535 public officials who were free to issue statements,

take positions and answer questions on virtually anything they pleased.[9]

Said Carl West, an investigative reporter for the Scripps-Howard newspapers, "Most of my sources are on the Hill. . . . In this town, newswise, everything gravitates towards the Hill. When I get out of my office, I go up to the Hill, get in a phone booth and start calling around—calling people off the floor, visiting staff people I know. I have a pipeline to a lot of people. . . . Compared with other sources the Hill is excellent. Just excellent."

Added Seth Kantor, investigative reporter for the Detroit *News*, "Congressional staff have great expertise. It's a great thing, the Hill. You just stumble onto stories there all the time in idle conversation."

Despite the utility of Hill sources, some reporters still preferred to view them as adversaries. Neil MacNeil has covered the Hill for more than 25 years, most recently as a correspondent for *Time*. He insisted he was the adversary of Congressmen, but also told how he gets his stories: "When the President met recently with Congressional leaders, I got the direct quotes of what was said. How? I had somebody who was there taking notes." He added, "It takes years to cultivate sources like that."

In short, MacNeil got that exclusive because he had someone in Congress taking notes for him. In this respect it would seem he was much more the adversary of other reporters than the adversary of people in Congress. According to Roberta Hornig of the Washington *Star*, who covered environmental issues and was frequently up on the Hill, "It's impossible not to have friends, and not to cooperate sometimes."

Noted Paul Levanthal, counsel of the Senate Government Operations Committee, "There's a good relationship between Congress and the press. It's synergistic. Is that the word? Anyway, it's mutually complementary. Each needs the other to get information. We need them to develop attention and to get the message out. They are always looking to us for new stories. It's a symbiotic relationship. That's the word I want. Symbiotic. A lot of cross-fertilization. Mutual assistance."

On occasion, this mutual assistance took the form of sharing information about a topic that both a reporter and a committee were investigating. Sometimes people were willing to talk to the

press but not to Congress. Sometimes that situation was reversed. Congress had the power to subpoena documents, but news organizations were staffed by hundreds, as opposed to dozens, of "investigators," and their reporters were sometimes spread worldwide. Consequently, it often happened to be highly advantageous for the two sides to trade information.

Said one Congressional staffer, "It's called chicken feeding. You feed them a little. They feed you a little." The outfall from such trading was that the reporter also mentioned the committee and its work as part of his story on the topic.

In short, the symbiosis between Congress and the news media was based on the fact that reporters wanted certain types of information, and people in Congress were willing to provide it because, for one reason or another, they wanted publicity.

And the symbiosis extended to more than just the providing of information. Reporters were keenly conscious of the fact that Congressional action on a topic which a reporter had originated could further that reporter's career. Explained Jon Margolis of the Chicago *Tribune*, "There's a feeling in journalism that what wins prizes is investigative stories that spark official action. And people in this business like to win prizes."[10]

Margolis added, "If I know a committee is interested in the topic, I'll call and get a comment and see if I can spark their interest in a hearing. I'll ask, 'What do you think? Is there a possibility you might look into it?' But you hope he really will. That 14 people will be indicted."

Clark Mollenhoff, veteran correspondent for the Des Moines *Register* and a prompter of numerous investigations, noted, "You don't have to say: 'Do this, do that.' You just indicate what you think their responsibilities are. You indicate you think there are things that ought to be done. . . . And you promise that if they do them, you will report it fully and fairly—and aggressively." He added, "It's kind of a sell job."[11]

Not all staff members or members of Congress were happy about such pressures. Said one, "Reporters come to us all the time and try to pressure us into things. They'll show us an advance copy of a story to titillate us, trying to force us to put out a release timed to when their story will run saying we're going to investigate something—just so they'll have a second-day lead."

Added Florida Congressman Dante Fascell, "They can pressure you into a hearing. . . . A newspaper will write an editorial and say, 'Congressman Fascell ought to do something about this.' . . . It's happened to me. You can hardly ignore it when they're demanding your response."

Because there was almost always more than one committee with jurisdiction, a reluctant chairman could often wiggle out of an investigation. However, if the topic was "hot" there were sometimes bitter squabbles over which committee got to hold the hearings.[12]

A Case Study:
Congressman Stark and the L.A. Times

A good example of the extent to which cooperation can be carried was an investigation that eventually led to a series of hearings on the plight of U.S. citizens serving time in Mexican jails.

It began with a letter that arrived in the Washington office of California Congressman Fortney "Pete" Stark in the spring of 1974. The letter, from the family of an American being held in a Mexican jail, told of torture and extortion, and charged that personnel at the U.S. embassy in Mexico City had been less than responsive about investigating the situation. The writers, Stark's constituents, had first approached him through his district office in Oakland, California. Then a second family was heard from.

David Julyan, at that time a special assistant to Congressman Stark, told the families he would look into the matter, and he soon found other families with similar complaints. Prisoners were expected to pay for food, showers and toilet paper, costing up to $100 per month, and there was also an initial "lodging" fee of $800 to $2,000. All prisoners had to pay, but the fees for Americans appeared to be higher. Some families had also been victimized by lawyers who promised reduced or suspended sentences and then absconded with thousands of dollars more. Some prisoners said they had been sexually abused, tortured, forced to sign confessions they didn't understand, and otherwise denied legal rights and due process as provided by Mexican law and international accords.

Many of the families were from California, and a group in Southern California had begun a campaign to force some govern-

ment body to look into their charges. Julyan spent most of the summer of 1974 talking to people in the State Department and gathering statements from parents and friends of prisoners. He would eventually know of hundreds of American prisoners who claimed to have been victimized by unjust treatment, crooked lawyers, miserable penal conditions and at least the threat of sexual abuse.

That summer more than 100 North Americans imprisoned in Mexico City staged a hunger strike protesting the U.S. government's lack of response to their situation. They charged that the government had adopted a policy of "neutral abandonment," that U.S. drug officials had participated in arrests and court proceedings, and that U.S. embassy personnel had recommended some of the fraudulent lawyers. UPI stories about the strike appeared in a number of U.S. papers.

On September 12, 1974, Julyan summarized his findings in a memorandum to Congressman Stark. He suggested a dozen areas for future investigation, including the embassy's standard operating procedures in cases of citizens arrested in Mexico, the embassy's position with regard to the recent hunger strike, and its handling of complaints from U.S. citizens arrested in Mexico and their families.

On the basis of this memorandum, Congressman Stark decided to become personally involved in the issue—as prominently as possible.

Fortney "Pete" Stark has something of a reputation for unorthodoxy in the House of Representatives. White, liberal, in his mid-40s, he resigned the presidency of a bank he had founded to run for Congress in 1972. He projects an air of California casualness, a certain modish sophistication and a sense of humor. His office gives the appearance of having been turned over to an interior decorator—and then reclaimed. It is probably the only Congressional office that has prominently displayed a large, framed portrait of Mickey Mouse. It was Stark who, in the spring of 1975, petitioned to join the Black Caucus. He explained that he felt membership would help him better represent his largely black constituency. The Black Caucus turned him down.

But it was partly his willingness to be unorthodox that allowed Stark to take on what was undoubtedly a controversial cause.

Explained Stark aide Edie Wilkey, "It's not a popular issue because of the association with drugs. . . . Congressmen finally started to get interested after the hearings and the publicity when they found out about their constituents in jail. . . . But they weren't—and still aren't—about to take it on themselves."

Congressman Stark himself acknowledged that "some people still consider it a dangerous political issue." He added, "I've gotten probably a couple dozen letters saying something like, 'Why are you wasting your time on those junkies and hippies and freaks?' Some constituents have criticized me. But not many." He *has* been careful to stress in every public statement that he is not opposed to the enforcement of drug laws or to the arrest and prosecution of violators. Rather, his argument is with the methods that he believes have violated both international agreements and Mexico's own constitutional provisions for human rights and due process.

Once Stark decided to take on the prisoners' cause, the challenge was to gather enough information to demonstrate the need for a Congressional inquiry. As a junior member of Congress, Stark didn't have chairmanship of a committee with proper jurisdiction. He would have to convince his Congressional colleagues that the topic warranted their attention. The best way to do this, in the minds of Stark and his staff, was to collaborate with an investigative reporter. Stark explained, "We've done other things that way, too. . . . You go to an investigative reporter if you think he'll put some effort into it. . . . Sometimes you play boy editor—try to guess where a story fits, and who might be interested in it."

In this case, the obvious first choice was the Washington bureau of the Los Angeles *Times*. First of all, many of the families of prisoners lived in Southern California. The *Times* has a solid national reputation for investigative reporting. The news service it provides jointly with the Washington *Post* reaches hundreds of newspapers all over the country. Hundreds of copies of the *Times* itself are flown in each day from Los Angeles for distribution to Washington officialdom. Furthermore, the Washington bureau makes a point of staying in close contact with the entire California delegation. Thus, the *Times* had, in a sense, set itself up to be chosen by an office like Stark's. It had cultivated the chief decision maker (Stark) as well as a reputation for careful work, and it had taken steps to insure wide dissemination of the product.

Paul Houston was the *Times* reporter covering the 45-member California delegation. Stark's staff let it be known it had a story that might interest him. At that moment Houston was tied up on other assignments, but bureau chief Jack Nelson was available—and interested. Unlike many bureau chiefs, he still continues to do reporting, and his gentle manner disguises the fact that he is one of the shrewdest and most effective investigative reporters in the nation. Nelson said he feels it's important to be *known* as an investigative reporter. "Some people say all reporters are investigative reporters, but you have to specialize to get the calls from sources. You need the title so that people know you're willing to write the controversial stories." He added, "Some reporters don't like investigative reporting. It involves a lot of unpleasantness. They don't like to hassle people." Nelson can hassle when he has to, but his reputation is based more on his persistence and hours of legwork—and keeping his word. He and Julyan struck a bargain. As Julyan explained, "I said we'd like to share the story with them if they'd agree to go big. . . . Or, if they didn't go, we wanted their word they'd not disclose anything if they decided to drop it." There was also a confidentiality clause:

They'd not make public anything without the approval of a source who had given us something on a confidential basis, or without *our* approval if it was from somebody in prison. . . . We'd show them everything we had in our files, and they'd agree not to disclose anything without our approval.

Nelson looked at what they had, and liked it. He notified *Times* editors in Los Angeles, and they agreed to put both a reporter in Los Angeles and the *Times* reporter in Mexico City on the story. Nelson pointed out that the understandings about confidentiality, as well as understandings about sharing information, were "more implied than anything else. It's understood by anyone who has, shall we say, played the game." He added "I give a staff member something and if he can, he follows it up. And if he can help me, he will. Of course, a part of that is that anything I tell him, he won't release to another reporter."

Julyan concurred:

It was all very friendly and informal. We all knew the ground rules. We were working our investigation in our Congressional office, and their investigation in harmony. Exchanging all of our information. . . . We'd bring them our information, and they'd bring us theirs. For example, before Jack would

go to interrogate someone, I'd talk to him and tell him my questions—the answers that I'd gotten that I was suspicious about, or things I hadn't had an opportunity to ask. And afterwards we'd exchange what he'd gotten. . . . Sometimes he got different answers than we had gotten. That in itself was interesting.

Pete Stark pointed out that a big advantage of working with the Los Angeles *Times* was that the paper had a reporter based in Mexico City. "It wasn't feasible for us to go to Mexico at that time," he said, adding, "One of our big concerns at that point was: What if we're wrong? What if these people are making up this stuff? We'd look pretty silly. The information from the Los Angeles *Times* was our first independent, unbiased review, and verified that the problems were real."

Nelson added that there were advantages to the *Times* to working with Stark.

They had a lot of information volunteered to them—because they were part of Congress—that probably wouldn't have been volunteered to us, or that we would have had to work so hard to get that it wouldn't have been worthwhile. We wouldn't have had the time or the resources to pursue the story without their information. People were less reluctant to talk to them than they would have been to talk to a reporter. On the other hand, I interviewed the head of DEA [Drug Enforcement Agency] and got information and things they had no way to get—or, they wouldn't have gotten the same reaction, because we're reporters and they aren't.

In summary, each side had certain sources, skills or assets that the other lacked. By putting their heads and their information together, the Los Angeles *Times* and Stark's staff were able to come up with a more complete picture than either could have gotten on its own.

The cooperation went even further than the sharing of information and sources. Julyan and Nelson also coordinated the timing of the release of their information. There was nothing in the press from mid-September to the first week in December. Both were working as quietly as possible until there were enough data for Congressman Stark to make public allegations about embassy insensitivity and perhaps criminal culpability to support his call for a thorough investigation, plus enough data for a six-part series in the Los Angeles *Times*. Just as the series began to appear, Stark released a copy of a letter he had sent to President Ford and Secretary of State Kissinger, outlining the situation, and suggesting

a course of action. The *Times* ran a separate story about Stark's letter on the second day of the series.

Explained Julyan, "Of course they knew it was being written, and when it would be released. We wanted to feed one off the other. It was a good handle for a story for them, and it was good for us to get the publicity for our letter and for the issue." He added, "It was a natural outgrowth of the confidence and cooperation built up over that eight-week period that we plan the timing. Besides, we had so much lead time. We knew three weeks ahead when their series would run, and we had a tacit agreement to coincide."

Although Nelson had been the *Times'* primary contact with Stark's office, he noted that other *Times* reporters ended up doing most of the work. The first story, out of Mexico City, was written by Stanley Meisler. At that point there were more than 100 Americans jailed in Mexico on various types of drug charges. Meisler pointed out that most of the arrests had been made at airports and that many of these could be considered "courtesy" arrests, since many of those arrested were merely in transit in Mexico, returning to the U.S. from some other Latin American country. He noted that the U.S. Drug Enforcement Administration officials had high praise for the toughness of Mexican officials and that officials almost always refused to allow Americans arrested at airports to phone the embassy. This refusal usually meant that, by the time the embassy had been reached, the American had agreed—for whatever reason—to sign a confession.

In the second article, Jack Nelson described the hesitancy of U.S. embassy officials to deal with the prisoners' charges of torture and other forms of mistreatment. He noted they evidently did not want to offend the Mexican government and observed they tended to play down or deny accusations. He also noted, "If embassy personnel have difficulty in finding out about arrests, Mexican lawyers have no such difficulty." Nelson then detailed complaints by American parents that a lawyer to whom they had paid thousands of dollars and gotten no assistance had been recommended by U.S. consular official Danny Root. Root denied the charges. U.S. counsel general Peter Peterson said that he couldn't believe that Root would have done such a thing and the parents must have misunderstood what Root was saying.

The third story, again by Meisler from Mexico City, carried other comments by Peterson. He denied that the U.S. government was pressuring Mexico to keep the Americans in prison. Meisler also described the various payments prisoners were required or "advised" to make. The fourth story, by Paul Houston, was based on interviews with State Department officials in Washington. Joseph Livornese, acting director of the State Department office of special consular affairs, stated that U.S. embassies were limited in what they were able to do for Americans arrested in foreign countries. He noted that the State Department had sent a protest note to the Mexican government in July after receiving numerous reports of brutality and extortion against American prisoners. Although the note and several others had not been answered formally, Livornese pointed to fewer arrests of Americans at the Mexico City airport in recent weeks as evidence that the Mexican government was responding to the complaint. Houston noted that Pete Stark believed that the U.S. government could do more and he had urged Secretary Kissinger to set up a legal assistance program similar to the type operated by the Defense Department for U.S. military personnel abroad. However, Eugene Krizek, State Department congressional liaison officer, pointed out that military personnel are wards of the military in a way that citizens are not wards of the embassy.

The fifth story, by reporter Frank Del Olmo in Los Angeles, described the "appallingly similar" stories of the heavy-handed techniques Mexican prison officials used to extort money and the high-pressure techniques of Mexican attorneys, one of whom contacted families through a cousin in Los Angeles. It was headlined, "Mexican Drug Busts: The Families Also Pay." The final story, again by Meisler, pointed out that although Mexico was believed to supply 60 per cent of the heroin reaching the U.S.—and that U.S. officials were praising Mexico's recently stepped up efforts to stem the influx—heroin was not much of a problem in Mexico. Ironically, the number one drug problem there was glue sniffing. The implication was that the drug arrests of Americans in Mexico were being carried out as a courtesy to the U.S.

The primary interest of the Los Angeles *Times* in working with Stark and his aides had been to gather enough information to

produce a series of articles. Their daily contact ended with the running of the series.

However, for the people in Congress, the work was just beginning. A few weeks after Stark's letter and press release, some State Department personnel visited his office, talked with Julyan and agreed to launch an investigation. There were a few stories about the investigation during the first few months of 1975, but relatively little media interest in the issue and few efforts by Stark or Julyan to push it. Then, in March, Stark became dissatisfied with what he considered a lack of action—even interest. Said Julyan, "We came out of low profile. We started beating the drum—saying that State was doing a whitewash, and we didn't trust their investigation, and it should be given to the House."

Julyan drafted a resolution of inquiry—a privileged motion that calls for the gathering of information. Once referred to a Congressional committee, it must be acted on within a specified period of time. Explained Julyan, "It's very difficult to get a hearing in Congress. You've got to figure out how to get your issue to the front of the hearing list."

Stark had expected that his resolution might be referred to the House International Relations Ad Hoc Subcommittee on Narcotic Traffic, of which he was a member. He explained, "The subcommittee was created a couple of years ago. . . . I think the true purpose they created it was so we could go on a trip. It was a single-purpose committee looking into heroin traffic from the Golden Triangle. . . . I thought we might revive it with this issue." In talking with International Relations chairman Congressman Thomas "Doc" Morgan, Stark learned that his resolution would be referred to one of the standing subcommittees. Stark added, "Doc was skitty because another Congressman had just introduced a resolution of inquiry also. Since it's a privileged motion, it means a lot of staff work to respond quickly. He was understandably leery about another resolution of inquiry just then. . . . But I assured him we weren't going to press for an immediate response." Stark grinned, "I wanted to be able to look into the issue, not get people mad. But," he added:

I did feel we had to have a resolution to get the issue off the ground. The State Department kept saying there wasn't a problem. They took it as a threat and stonewalled to protect themselves, and tried to pretend it didn't

exist. I felt that without the resolution, Congress might take their word for it that there wasn't a problem.

At that point Stark began lobbying the chairman of the International Policy and Military Affairs subcommittee, Congressman Dante Fascell. Noted Stark, "As soon as we'd introduced our resolution we sort of directed it to Dante. When you introduce a resolution like that, you work with the parliamentarian to see it goes where you want it to. We felt we could deal with Dante's subcommittee. We saw the people on it as being disposed to the issue."

Dante Fascell of Florida is a popular, accommodating chairman of a subcommittee with wide-ranging jurisdiction. He works hard to see that topics of interest to his colleagues are brought before his committee. The first of what was to be a series of hearings on U.S. citizens imprisoned in Mexico was held at the end of April. It was largely based on information that Congressman Stark and the Los Angeles *Times* had gathered, and both Stark and David Julyan were invited to testify. The committee also heard from numerous State Department officials.

The outcome was that the subcommittee asked Stark to select 15 test cases. It then asked the State Department to prepare an extensive report on the allegations these prisoners were making and on what the State Department could do about them. To investigate prison conditions at first hand, Stark aides Julyan and Edie Wilkey, subcommittee staff member Jim Stoddard and various persons from the State Department flew to Mexico in June. They got something less than full cooperation from prison officials. Noted Julyan, "There was a lot of diplomatic maneuvering and walking out of meetings. Eventually the people from the State Department got into the prisons." When the State Department reported back to the subcommittee in July, it was once again pointed out that the department's authority in a foreign country was limited and suggested that many of the charges voiced by Stark and the prisoners had been exaggerated.

This time the subcommittee was skeptical. The hearing was closed, and the written transcripts of all such hearings are edited before they are published to avoid not only security leaks and diplomatic blunders, but also minor embarrassments. According to Julyan, "The members of the subcommittee said they weren't

satisfied in pretty strong terms. They began with 'If . . . then. . . '—that's the basic political hedge all politicians use: 'If . . . then. . . '—but after awhile they got rid of the 'If . . . then. . . ' They said, 'You admit yourselves that in some cases the charges are true.' " Julyan added:

(Leonard) Walentynowicz of the State Department was not the most effective witness. He got a little flustered and Pete got him in verbal battles. Finally Congressman Fascell stopped him and said, "You're being baited and you're biting the bait." Congressman Fascell was good for the hearing. He got Pete to ask real questions, and he told Walentynowicz to answer them.

Even though the hearing was closed, there was a lot about it in the press. Congressmen Stark and Fascell had an impromptu press conference afterwards, releasing a copy of Stark's testimony and others' comments. Reporters got wind of everything else from the various "principals" or their aides.

By this time press interest in the topic was beginning to mount. No more than a month later, the August 14 issue of *Rolling Stone* magazine carried an article entitled "The Black Palace and the Women of Santa Marta: Tales of Torture, Extortion and Abandonment by the U.S. Embassy from Americans Currently Imprisoned on Drug Charges in Mexico." The Black Palace and Santa Marta are two of the many men's and women's prisons where Americans were being held. The author was Mary Jo McConahay, a free lancer living part of the time in Mexico City. She provided a vivid, sometimes lurid account of the living conditions in Mexican jails and the various abuses prisoners and their families had suffered. Essentially, it was the same story that the Los Angeles *Times* had told six months earlier, even down to some of the same examples. And, like the *Times'* stories, it referred to the efforts being made by Pete Stark.

The difference was that, for reasons peculiar to journalism, this story triggered interest in the rest of the nation's news media. Some people call it agenda-setting: the ability of some media to define which topics their readers talk about and other media carry. Various media are recognized as having preeminence in particular subject areas. For international news it's the New York *Times*; for Washington news, the wire service daybooks; for national domestic issues, the Washington *Post*; and for anything that might be

considered "anti-establishment" or "counter culture," the agenda-setting publication is *Rolling Stone.*[13]

Thus it was that, shortly after the August 14 story appeared, Stark's office began getting phone calls from reporters. Explained Edie Wilkey, "*Rolling Stone* is a sort of bellwether. There has been growing press coverage starting with *Rolling Stone.* And more than one press person has mentioned the *Rolling Stone* article to us as the reason they're doing the story."

In addition to the various newspaper stories, there was a piece on NBC News and a ten-minute spot on the "Today" show. Both were tied to the third hearing, in October, 1975. Explained Julyan, "We suggested they tie it to the hearings for a news peg. That's true of a lot of people. We'll suggest they may want to wait a day or two to tie their story to something coming up. But," he noted, "we cooperate with them within certain bounds of confidentiality and our own political situation. We don't tell them everything. With the exception of the Los Angeles *Times'* first series we've never coordinated to the extent that they agreed not to release something until we were ready. We're just giving the others advice."

The October hearing was open to the press, and the news media were there in force. Once again the State Department representatives indicated that there was a limit to what they could do, and in any case their investigation of prisoners' complaints was being hampered by the sheer number of cases. By now there were 550 Americans in Mexican jails—most of them on drug offenses. Leonard Walentynowicz, who administered the bureau of security and consular affairs, indicated his six-member task force had completed eight cases. Stark countered, "At that rate it will take them 17 years to finish their study." The subcommittee asked the State Department to report again in 60 days and indicated it would hold hearings every two months until it felt the issue had been resolved.

A few days later the committee sent a letter of protest to Secretary of State Kissinger and released a copy to the media. By now, the committee had become impatient with both the U.S. government and the Mexican government and felt that media publicity was its best hope of getting changes in the treatment of Americans arrested in Mexico. Shortly after the October hearing subcommittee staffer Mike Finley explained:

The Mexican case has gotten to a certain point where it's my opinion and I think it's also Mr. Fascell's that we need to change the attitude of the Mexican government by getting our own executive branch to say something—or by getting the American people so upset that it makes an impression on the Mexican government regardless of what the executive branch is doing. We're now trying deliberately to get publicity. Trying to spark interest with publicity. Trying to get the word to the Mexican government that the U.S. Congress is not going to forget about the issue.

Here, the press has involvement, a role to play—if we can assume the press were a passive instrument, and that's not quite the case. But we realize that if they report something it can help our cause and we can use that for our ends. What can we do to get publicity? We can ask a prisoner to take off his clothes and show us his scars in front of the glowing TV lights. That's what I mean by the press having a role to play in what we do. We might get total cooperation of the executive branch and still not get anywhere with the Mexican government. But if we get people so upset that it cuts down on tourism, now *that* will make an impression. If we get Walter Cronkite saying Mexico is a lousy place, that will have an impact on the Mexican government with or without anything our government does.

He added, "We're seriously considering bringing in prisoners to testify. We may do that in January. There are different ways to use the press."

Explained Congressman Stark:

The problem with dealing with a bureaucracy is that the people seem to be incapable of changing. They keep saying, "We've done nothing wrong .... We've done everything according to our regulations." There's no way to get them to try something different. The only thing they understand is that you can ridicule them in the media. Make them look silly. They respond then, because they don't like to be laughed at.

A few days after the October hearing, the Washington *Star* ran an extensive front-page story outlining the positions of Stark, the subcommittee, the State Department and the Mexican government. Reporter Jeremiah O'Leary quoted Mexican ambassador Jose Juan de Olloqui as saying, "Our jails are not de luxe hotels, and neither are yours. The American authorities must make up their minds whether they want our cooperation to eradicate drug-related crimes, or leniency for the transgressor." O'Leary was careful to explain the U.S. State Department's position, noting that it was "apparently trying to walk a tightrope by responding to the demands of Congress for alleviation of the prisoners' plight, but without intruding on the internal affairs of a neighbor." And O'Leary stressed that there was general agreement that most of the

prisoners were probably guilty of the charges. The headline, taken from a comment by Stark, was "Travel to Mexico May be Hazardous to Your Health."

Jeremiah O'Leary, with ten years' experience covering Latin America, was now assigned to the State Department. He observed, "Almost every aspect of foreign policy eventually ends up in Congress. . . . Right now the executive and legislative branches are pretty much at odds." He added:

I knew NBC had done a story (about the prisoners in Mexican jails) and I felt it was time to educate myself about the topic. I was aware that Walentynowicz was going to testify. . . . So I talked to him and Stark and Olloqui and I quickly realized there were three different points of view. I felt I ought to let the public make up its own mind about the situation.

O'Leary's story ran November 1. Three days later the *Star* editorialized, "Our sympathy is restrained for the Americans who were locked up for drug-law abuse in Mexico. . . . It is unlikely that many of them were ignorant of the risks involved." It pointed out that much of the U.S. drug traffic was believed to originate in Mexico and that U.S. authorities had pressured Mexico to stop the flow. The *Star* concluded, "Now that some benighted or silly Americans have toyed with obvious jeopardy, it is inappropriate for the U.S. to become too officially righteous. . . . Legal retribution, under the laws of any nation, seldom is comfortable. And for traffickers in drugs, our concern for their plight should equal theirs for the victims of narcotics."

This attitude of "shed no tears for drug pushers" still pervaded many parts of the country. Increasingly, however, Congress began hearing from constituents who felt differently.

Noted Edie Wilkey:

Congressmen started getting interested when they found out about their own constituents in jail. They started giving us support—saying to Pete, "You're our leader; tell us what to do." . . . We sent a letter to all the Congressmen we knew had constituents in jail. A few refused to sign. But we got 20-some people, including Barry Goldwater, so it's not just a partisan thing. . . . It shouldn't be a liberal-conservative issue. It's a human rights issue.

She added, "We're starting to get calls from people from all over. . . . We got a whole bunch of mail from the 'Today' show."

Once he had the subcommittee behind him, and the conflict was essentially Congress versus the State Department, Stark de-

cided it was important to broaden the base of Congressional support. He did this by asking the families of all prisoners, especially the newer cases, to contact their own Congressmen instead of his office. Wilkey commented, "I hated to tell them to call their own Congressmen instead of us, but there's no way I can handle 500 cases. Besides, calling us defeats the whole purpose. The only way we can get support is for them to call their Congressman and get him to back us. And," she noted, "It's working."

Pete Stark concurred:

Gradually people are becoming involved. A few days ago a right-wing Republican came up to me about some constituent's kid who had been held 18 months without a trial for possession of two marijuana cigarettes. A couple of years ago, he'd probably have thought anybody arrested on marijuana charges deserved what he got. But attitudes towards marijuana have changed. And when it's one of your own constituents, that sort of treatment sounds a lot more unfair.

That particular Congressman has been very helpful. And when you get people like that interested, it gives the issue a certain push and dignity. You get a broader spectrum of people interested, and it's no longer just a liberals' issue.

What began with a letter from two families to their Congressman eventually became an issue that dozens of Congressmen were hearing from constituents about, that a Congressional subcommittee was investigating and that the State Department was being forced to reconsider. It would later lead to efforts to arrange a prisoner exchange. When the first American prisoners returned to the U.S. in December, 1977, Congressman Stark and the news media were conspicuously present.

The news media functioned in a variety of ways to make the prisoners an issue. Stark believes that one of the most important functions in the early stages was to establish the validity of the prisoners' complaints. Said Stark, "The Los Angeles *Times* series gave us a certain legitimacy. There's always a question in Congress of raising hell, demanding an investigation, and then not having anything to back it up. . . . The press did two things: It provided information and legitimized the issue."

However, the Los Angeles *Times* series apparently played only a minor part in actually bringing about the hearings. People associated with the subcommittee insisted they would have responded regardless of whether there had been prior publicity in the press.

Judging from Dante Fascell's reputation, this seems plausible. David Julyan explained, "We wanted a Congressional forum . . . and we used both the resolution of inquiry and press interest as an argument to Congressman Fascell. . . . Our argument was that it was a good issue and that the press had generated a lot of public interest. But," said Julyan, "the press by itself wouldn't have been sufficient."

Nor did the investigative reporting itself bring about any immediate response from the State Department. Edie Wilkey observed wryly, "The people in State aren't all that worried about *Rolling Stone*."

However, press coverage did get television into the act. Said Stark:

> When the press gets the electronic media interested, two things happen. You get far broader coverage. Ten minutes on the "Today" show gets interest all over the country, and the electorate hears about the issue. Secondly, when the electronic media come to a hearing, you get all the members there. They start to demagogue and become more attentive and assertive. Witnesses from the State Department start to act and sound much more concerned. So, what happens is that TV at a hearing gets *everybody* sounding more concerned about the issue—and that gets a certain sense of importance for the issue.
>
> Of course, TV coverage also broadened the mail, and then other Congressmen referred their complaints to us.

In other words, coverage of the issue served two different but complementary functions. It directly changed the public behavior of State Department officials. It also generated interest among the electorate. This, in turn, increased the interest of members of Congress in getting further modifications in State Department policies and routines.

Finally, coverage of both the hearings and the general topic served still another function. It put the Mexican government on notice that U.S. citizens, Congress and the State Department were pressuring for a change. Although it is highly unlikely the threat of a tourist boycott was ever taken seriously, Mexican officials—like their U.S. counterparts—are conscious of their public images and anxious to avoid unfavorable publicity. Thus, the fact that the U.S. news media were now championing the prisoners' plight may have been as potent a political force as anything Congress itself could do.

Throughout the investigation the news media and Congress existed in a highly symbiotic relationship. Two letters from constituents to their Congressman gave the Los Angeles *Times* a tip for a major investigative series. The sharing of information enabled both Stark's staff and the *Times* to come out with well documented statements about the problem. Congressional action provided a timely incident—a news peg—to which journalists could tie subsequent stories. Coverage of hearings alerted constituents with similar problems. Letters pouring in to Congress produced additional hearings, statements and communiques. And these provided additional stories for reporters to cover.

Some of these activities were planned to be mutually beneficial. Others simply turned out that way, because some of the things reporters and people in Congress do are inherently complementary. The symbiosis between Congress and the media can be enhanced by collaboration. But it also exists quite apart from any conscious effort. Reporters feed off Congress. Congress feeds off reporters.

Congress-media relations are not always a bed of roses. Stark himself admitted, "Shit, yes, I've gotten burned. Some reporters I try to avoid because we always seem to have misunderstandings about what it was I said. . . . And some things happen you wish they wouldn't write about. The Los Angeles *Times* did a less than complimentary piece about my automobiles just after I came here. . . . But that's the way it goes. . . . Generally, if you're open, honest, don't bullshit, play it straight, you're okay."

Added Julyan:

There are a lot of agreements between reporters and staffers that are understood. . . . You develop individual contacts. With most reporters if it's background you've got to say it before you tell them something. If you tell them it's background afterwards, the rule is they can print it if they want to. Even with good friends, I'll be careful to say something is background. But with Jack Nelson it was different. There was so much cooperation and so much sharing we couldn't say every time, "Now, this is background." It was such a big project it just had to be that way. Besides, we knew Jack Nelson. The integrity of Jack Nelson is pretty solid.

Even if it had been someone else, the Mexico story was a big story. It was equally profitable for both of us. Any time the amount of information is great, or it's an on-going thing, a reporter isn't going to screw you because you'd cut him off. . . . And if a reporter screws you, you not only cut him

off, but you send out the word and he's really in trouble. Very few politicians are going to be candid with a reporter if they know he screwed somebody for a mundane story with a two-day embargo on it.

* * *

THIS CASE study illustrates several things about the relationships between some reporters and people in Congress. Politicians are, to some extent, at the mercy of reporters; however, they have their own ways of getting back at people who break the rules.

Although personal friendships are no doubt important, a Congressman may not always have a close friend on the particular medium he wants to use. Perhaps more important than friendships is the existence of a set of understandings shared by people who, in Jack Nelson's words, "play the game."

These understandings—and reputations for honoring them—were what brought Congressman Pete Stark and the Los Angeles *Times* together. They are what allow reporters and Congressional offices to function in symbiosis.

It is plain that symbiosis offered a better description of the relationship between reporters and their Congressional sources than adversarity in the case study reported here. That should not lead us to abandon the adversarity concept, however, for reporter and source were in this case symbiotically pursuing an adversary relationship with respect to another branch of government—and another government. Nor is there any reason to condemn reporters for relating symbiotically to their sources. This case study shows how such a relationship can increase both the chances of getting the story and the chances of getting it right (No. 2 and No. 1 on the list of reporters' commandments). Adversarity may be inherent in the reporter's role under the Fourth Estate concept, but not necessarily against all sources all the time. Under other sets of circumstances, the same reporters and the same sources may face each other as adversaries once again. In any case the adversarity principle could use some reexamination.

NOTES

1. See "My Turn," *Newsweek*, Dec. 9, 1974.

2. See William L. Rivers, *The Adversaries* (Boston: Beacon, 1970) and Tom Bethell, "The Myth of An Adversary Press," *Harper's*, January, 1977, pp. 33-40.

3. W. Phillips Davison, "News Media and International Negotiation," *Public Opinion Quarterly*, 38:174-91 (Summer 1974) and "Diplomatic Reporting: Rules of the Game," *Journal of Communication*, 25:138-46 (Autumn 1975).

4. See Carol Weiss, "What America's Leaders Read," *Public Opinion Quarterly*, 38:1-22 (Spring 1974); Douglas Cater, *The Fourth Branch of Government* (Boston: Houghton-Mifflin, 1959); Bernard Cohen, *The Press and Foreign Policy* (Princeton: Princeton University Press, 1963); and Raymond Bauer, Ithiel De Sola Pool and Lewis Anthony Dexter, *American Business and Public Policy* (New York: Prentice Hall, 1963).

5. Robert Blanchard, "The Correspondents Describe Their Work," in Blanchard (ed.), *Congress and the News Media* (New York: Hastings House, 1974).

6. For a fuller discussion of these findings see Susan Miller, "Congress and the News Media: Coverage, Collaboration and Agenda-Setting," unpublished Ph.D. dissertation, Stanford University, 1976.

7. For a fuller discussion of the often parent-child relationships between Congressmen and their aides, see Myra MacPhearson, *The Power Lovers* (New York: Putman, 1975).

8. For a discussion of the significance of publicity to a Congressman, see Clem Miller, *Member of the House: Letters of a Congressman* (New York: Scribner, 1962).

9. Congressmen were, however, limited in their access to coverage by the size of their constituencies and the nature of their committee assignments. See Susan Miller, "News Coverage of Congress: The Search for the Ultimate Spokesman," *Journalism Quarterly*, 54:459-65 (Autumn 1977).

10. For a fuller discussion of how a desire for awards affects some journalists' careers, see Thomas Powers, "The Pulitzer Spring Fever," [*MORE*], May 1976.

11. For a fuller discussion of Mollenhoff's success in prompting investigations, see his *Washington Cover-Up* (Garden City, N.Y.: Doubleday 1962) and *Tentacles of Power* (Cleveland: World, 1965).

12. For an analysis of a dispute between Congressman Don Edwards and Congresswoman Bella Abzug over which committee should hold hearings to reexamine evidence related to the Kennedy assassination in Dallas, see Walter Pincus, "Capitol Hill Vignettes: TV Tossup; Privacy," Washington *Post*, Oct. 19, 1975.

13. For a general discussion of the agenda setting function, see Maxwell E. McCombs and Donald L. Shaw, "The Agenda-Setting Function of Mass Media," *Public Opinion Quarterly* 36:176-87 (Summer 1972). It was Cohen

(*op. cit.*) who first called attention to the phenomenon. Weiss, Bauer and Mollenhoff (all *op. cit.*) give examples of public officials whose agendas are influenced by those of the news media. The data here tend to show that the process, as between reporters and Congressional sources, is a reciprocal one.